IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABADERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18249 of 2004

Between:

B.N. Chandramouli,

S/o. B.C. Naga Subbaiah,
B,Ed., Assistant, Sri Viswa Bharati Aided Upper Primary School,
9th Ward, Kadapa, Kadapa District.

..... PETITIONER

AND

1. The State of Andhra Pradesh

rep. by its Secretary to Education Department
(School Edn.,) Secretariat,

Hyderabad.
2 The Commissioner & Director of School Eduation,

Andhra Pradesh,

Hyderabad.
3 The District Educational Officer,

Kadapa District at Kadapa.
4 The Correspondent,

Shri Viswa Bharati Aided Upper Primary School,
9th Ward,

Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

Issue an order or direction more in the nature of writ of mandamus declaring the action of the Respondents in not refixing the pay of the petitioner from the date of his initial appointment and not granting the increments including the notional seniority and further not counting the unaided service rendered by the petitioner for the purpose of pension as illegal, unjust, arbitrary, discriminatory and violative of Articles 14 and 16 of Constitution of India and consequently direct the respondents to refix the pay of the petitioner from the date of his appointment along with increments and notional seniority and further count the unaided service rendered by the petitioner for the purpose of calculating the pension with all other attendant benefits in accordance with Rules and also law laid down by this Hon'ble Court, as was done in cases of similarly situated persons.

Counsel for the Petitioner: Mr. POODATTU AMARENDER
Counsel for the Respondents: GP FOR EDUCATION

The Court made the following ORDER:

The petitioner is working as a B.Ed. Assistant. He was initially appointed on 26-6-1996 in an unaided post. Subsequently, he was absorbed as a B.Ed., Assistant in a grant-in-aid post on 16-12-2003 and on the same date his pay was fixed. The petitioner contends that he is entitled to get his pay fixed from the date of his initial appointment in the unaided post along with all consequential benefits. The petitioner submitted a representation on 22-7-2004, but no orders have been passed by the 3rd respondent. Therefore, the petitioner approached this Court seeking a direction to the respondents to consider his case for re-fixation of pay from the date of his initial appointment in the unaided post with all consequential benefits. In the affidavit, the petitioner mentioned that the Government issued orders vide G.O.Ms.No.32 dated 5-4-2004 directing to count the unaided service also for the purpose of pension and automatic advancement scheme in the case of teaching and non-teaching staff of Private Aided Junior/Degree Colleges. The petitioner contends that the benefit of the said G.O. was extended in respect of the B.Ed., Assistants also. He further contends that he is also entitled for the benefit as per the Government Memo No.9968/PS-I/2001, Education (PS) Department, dated 7-8-2002.

In the light of the contentions made by the petitioner, the 3rd respondent is directed to examine the case whether the benefit under the above mentioned G.O., and Government Memo can be extended to the petitioner and pass appropriate orders on his representation dated 22-7-2004 according to the rules in force within eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

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(Dr. G.YETHIRAJULUL,J)

7th October, 2004.

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To

1. The Secretary to Education Department,

State of Andhra Pradesh
(School Education) Secretariat,

Hyderabad.

2. The Commissioner & Director of School Eduation,

Andhra Pradesh
Hyderabad.

3. The District Educational Officer,

Kadapa District at Kadapa.

4. Two CCs to the G.P., for Education,

High Court of A.P., Hyderabad (OUT).

5. Two CD copies.